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| KEITH E. ANDERSON, |) | |
| |) | |
| Petitioner, |) | CASE NO. C06-208-RSM-JPD |
| |) | CR02-423-JCC |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | REPORT & RECOMMENDATION |
| |) | |
| Respondent. |) | |
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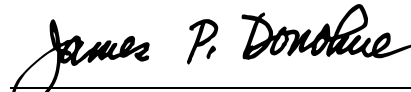
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1 case is still pending before the Court of Appeals for the Ninth Circuit. (*See, e.g.*, Doc. #1244 in
2 Case No. CR02-423, Order issued on October 3, 2005 by Ninth Circuit denying petitioner's motion
3 to represent himself on appeal.)

4 A district court should not entertain a petitioner's collateral attack on a conviction while the
5 petitioner also has a direct appeal pending in the Ninth Circuit, because to do so would thwart
6 judicial economy. *See United States v. Deeb*, 944 F.2d 545, 548 (9TH Cir. 1991). Accordingly, the
7 court recommends that petitioner's petition be dismissed without prejudice. A proposed Order
8 accompanies this Report and Recommendation.

9 DATED this 14th day of February, 2006.

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11 JAMES P. DONOHUE
12 United States Magistrate Judge
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